

PUBLIC NOTICE

APPLICATION FOR PERMIT

U.S. Army
Corps of Engineers
Chicago District

Public Notice/Application Number: 200300449
Comment Period Begins: February 6, 2004
Comment Period Expires: March 6, 2004

JOINT PUBLIC NOTICE

U.S. Army Corps of Engineers
Illinois Environmental Protection Agency
Illinois Department of Natural Resources-
Office of Water Resources

Applicant: Town & Country
Attn: Timothy Kellogg
1806 South Holland Avenue
Lombard, Illinois

Proposed Action: Proposal to Discharge Materials into 5.6 Acres of Wetlands for Construction of Providence Residential Subdivision

Location of Proposed Action: Located South of Route 20, East of Nestler Road, and North of South Water Road in Elgin, Kane County (see attached drawings). A detailed description of this proposal is provided on page 2 of this notice. Otter and Fitchie Creek in Elgin, Kane County, Illinois (Se Quarter of Section 19, Township 41n, Range 7e) (see Exhibits 1 and 2).

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by **March 6, 2004** on the proposed work, which will become part of the record and will be considered in the decision. A permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Written comments should be mailed to:

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
Attn: 200300449, Ms. Kathy G. Chernich
111 North Canal Street, 6th floor

Project Description

The purpose of the project is to construct a single-family and multi-family residential subdivision (see Exhibit 3). The development proposes to impact 5.6 acres of wetland. The northern branches of Wetland 1 (3.52 acres) are proposed to be filled in order to construct a large stormwater detention basin and single-family homes. The northern portion of Wetland 2 (0.58 acre) and Farmed Wetland 2 (0.9 acre) would be impacted for road construction and Farmed Wetland 1 (0.6 acre) would be impacted for the construction of townhomes. Wetland 3 is the highest quality wetland on the site and would not be impacted by development (see Exhibits 3-8).

Most of the wetland impacts would be caused by new roadway construction required by the City to provide an inter-connected transportation network in this area. A large portion of the impacts (2.85 acres) would be due to the construction of a detention basin on-line with Wetland 1 which is a tributary to Fitchee Creek. The on-line detention basin has been pledged to the City of Elgin to function as a recreational pond.

Best Management Practices would be incorporated at the site. There are stormwater management facilities that would be designed as wetland-bottom retention basins, a tree preservation plan throughout the site, and buffer areas enhanced with native vegetation. The proposed on-line recreational pond would be a naturalized basin with a wetland fringe and protective buffer. A buffer would also be provided for the remaining portions of Wetland 2 and a retention basin would be constructed within the outer 50 feet of the buffer of Wetland 3.

The applicant proposes on and off-site mitigation to compensate for wetland impacts. On-site mitigation would consist of the enhancement of preserved wetland. A minimum of 14.9 acres of upland native plantings would occur within the wetland buffers and in the naturalized detention basins. The applicant is requesting .10 acres of wetland credit for the following enhancement activities: Enhancement Area 1 would provide 1.04 acres of mitigation credit, Area 2 would provide 0.12 acres of mitigation credit and Area 3 would provide 0.48 acre of mitigation credit.

Regulatory Authority: This proposed action will be reviewed according to the provisions of Section 404 of the Clean Water Act February 27, 2004.

Jurisdiction: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act due to the proposal to discharge materials into 5.6 acres of wetlands for construction of Providence Residential Subdivision.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, if the proposed activity involves the discharge of dredged or fill material into waters of the United States, the evaluation of the impact on the public interest will include application of Section 404(b)(1) guidelines (40 CFR 230) promulgated by the U.S. Environmental Protection Agency.

The Corps of Engineers is soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used in the preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. A determination concerning the need for a public hearing will also be based on the comments received.

Preliminary Evaluation of Selected Factors

Water Quality - The applicant has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notice/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the written comments should be provided to the Corps of Engineers. If you have any questions please contact IEPA at (217) 782-3362.

Department of Natural Resources - The applicant has applied to the Illinois Department of Natural Resources, Division of Water Resources (IDNR-OWR) for a permit pursuant to the State of Illinois Rivers, Lakes and Streams Act (615 ILCS 5, 1994). Comments concerning the IDNR-OWR permit should be addressed to:

Illinois Department of Natural Resources
Office of Water Resources
2050 West Stearns Road
Bartlett, Illinois 60103

with a copy provided to the Corps of Engineers. If you have any questions please contact IDNR at (847) 705-4341.

Endangered and Threatened Species - The Corps of Engineers has determined that the proposed activity would not affect any federally-listed endangered or threatened species or critical habitat for any endangered or threatened species, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act does not appear to be warranted at this time.

Historic Properties/Cultural Resources - Preliminary review indicates that the proposed activity is not likely to adversely affect any historic property which is listed, or eligible for listing, on the National Register of Historic Places.

Environmental Impact Statement - A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Public Hearing - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing. A request for a hearing may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act

(FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Chicago District Corps of Engineers Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so by in writing no later than **March 6, 2004**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Kathy Chernich of the Regulatory Branch by telephone at (312) 846-5531, or email at kathy.g.chernich@usace.army.mil. **It should be noted that comments received via e-mail can only be accepted with the full name and address of the individual commenting.** You can also visit our website at www.lrc.usace.army.mil/co-r for more information on our program.

FOR THE DISTRICT ENGINEER:



Keith L. Wozniak
Chief, West Section
Regulatory Branch

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until March 6, 2004.

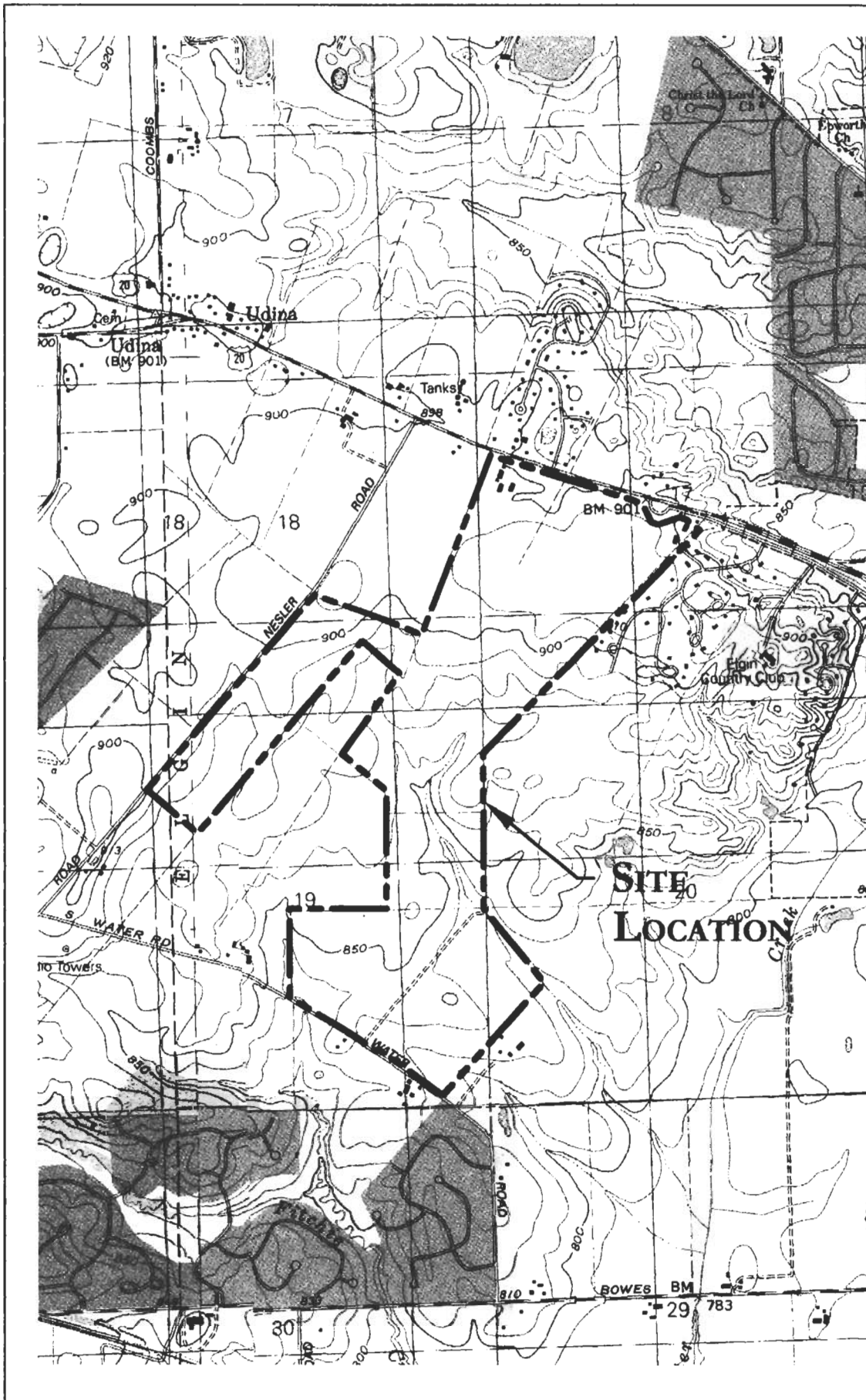


EXHIBIT 1



TOWN &
COUNTRY
HOMES

PROVIDENCE
SUBDIVISION



SITE LOCATION



SECTION 24
TOWNSHIP 41 N
RANGE 7 E
&
SECTION 17, 18,
19, & 20
TOWNSHIP 41 N
RANGE 8 E

DATE: 1993



SCALE:
1" = 2000'

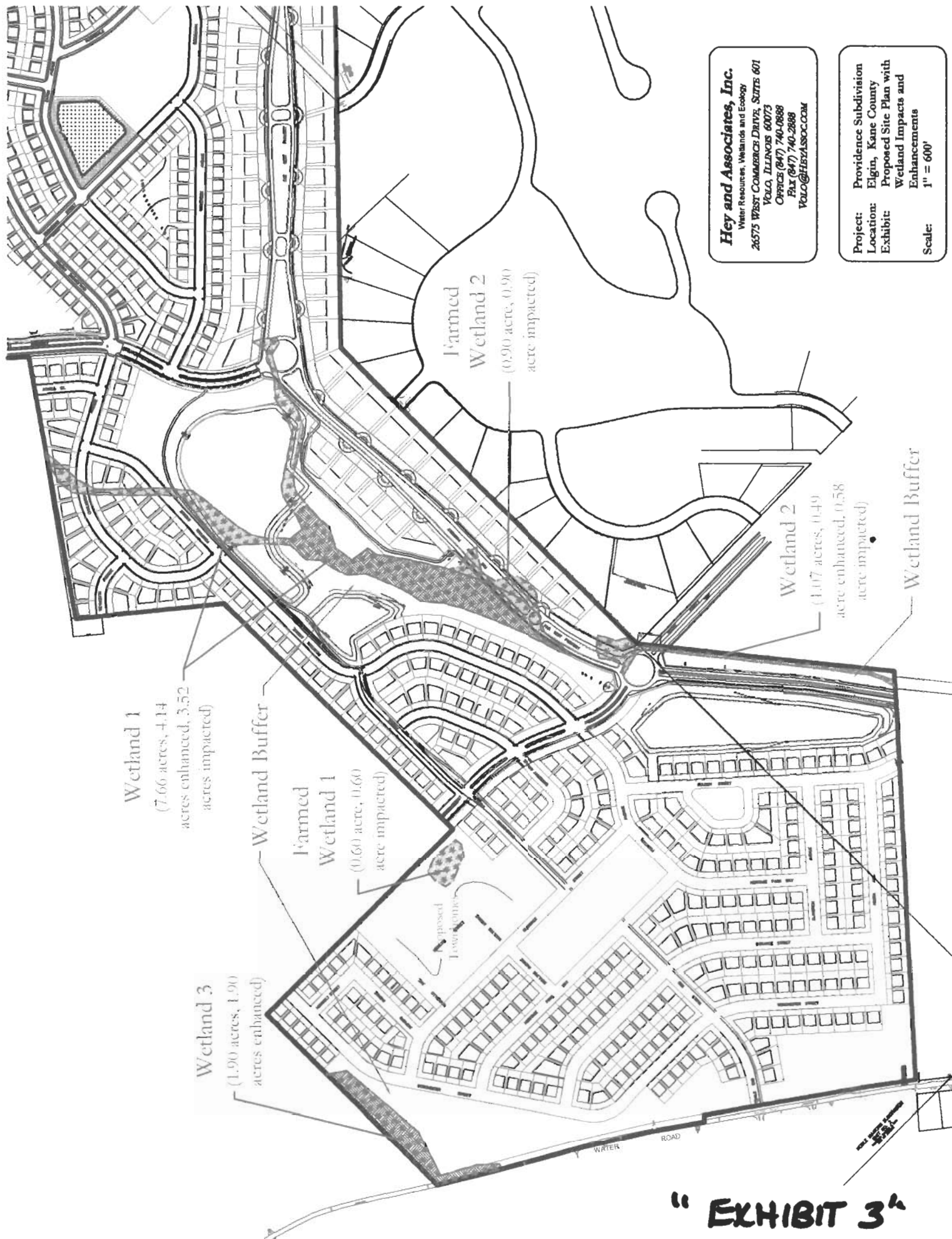




Hey and Associates, Inc.
 Wetland, Wetland, Wetland and Erosion
 2575 WEST COMMERCE DRIVE, SUITE 60
 WOLA, ILLINOIS 60073
 OFFICE (617) 740-0888
 FAX (617) 740-0888
 WWW.HIASSOCI.COM

Project: Providence Subdivision
 Location: Elgin, Kane County
 Exhibit: Surveyed Wetland
 Locations on Aerial
 Photograph
 Scale: 1" = 600'

" EXHIBIT 2 "

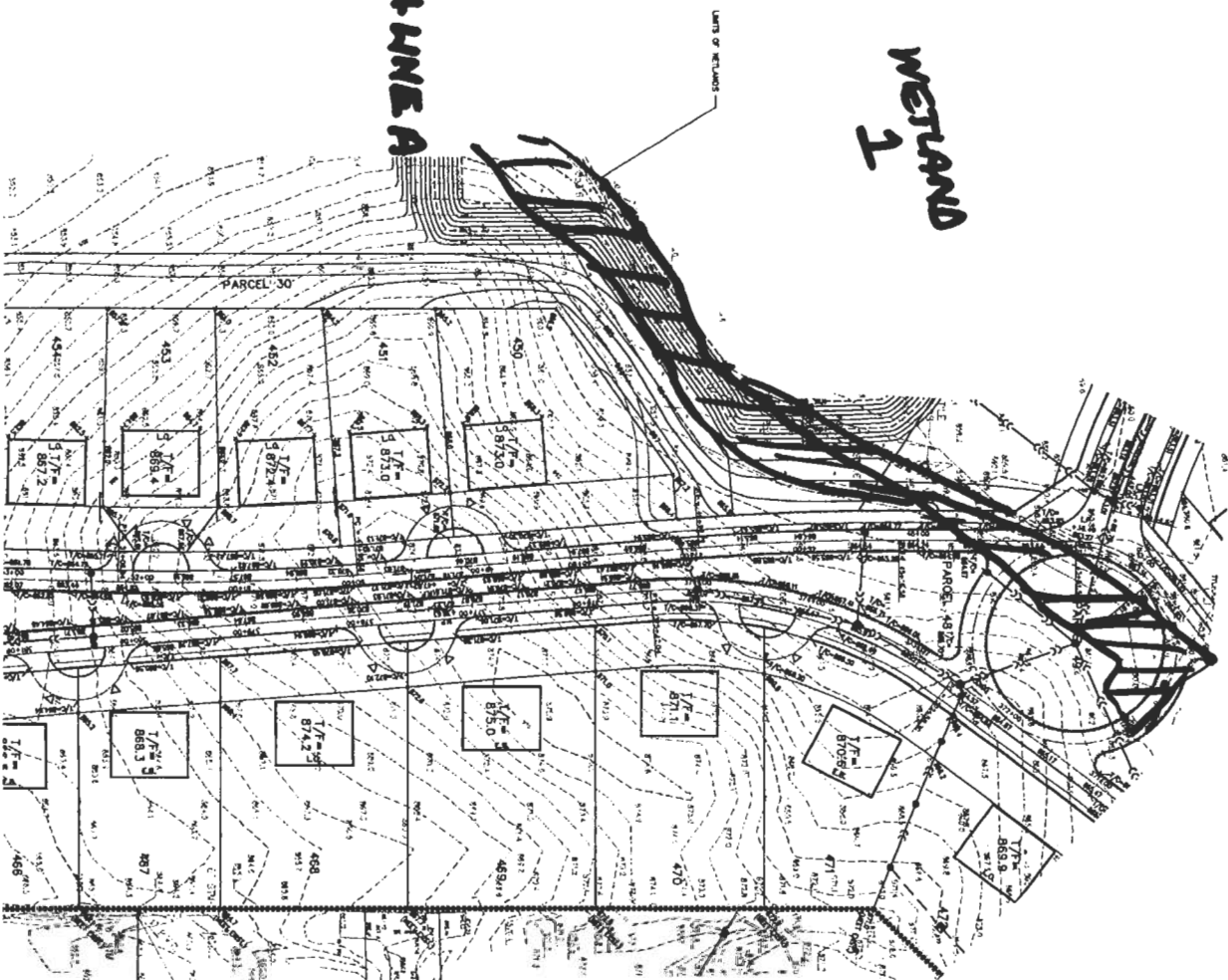


Hey and Associates, Inc.
Water Resources, Wetlands and Ecology
26575 WEST COMMERCE DRIVE, SUITE 601
Volo, ILLINOIS 60073
Office (847) 740-0888
Fax (847) 740-2888
Volo@HISA-SOC.COM

Project: Providence Subdivision
Location: Elgin, Kane County
Exhibit: Proposed Site Plan with
Wetland Impacts and
Enhancements
Scale: 1" = 600'

" EXHIBIT 3 "

MATCHLINE A



- [illegible]


" EXHIBIT 4 "

NET TO PAYMENT DEDUCT

-----	BANKRUPT CLAIM & OUTLIER (4-4-12)
*****	REVERSE PRICE BANKRUPT CLAIM
-----	MORTGAGE CLAIM & OUTLIER
*****	DIVIDEND CLAIM & OUTLIER

TAB CLOS
JANUARY OVERALL

TOWN & COUNTRY HOMES
1806 SOUTH HIGHLAND AVENUE
LOMBARD, ILLINOIS 60148
(630) 953-2222

 **CEMCON, Ltd.**
Consulting Engineers, Land Surveyors & Planners
2280 White Oak Circle, Suite 100
Aurora, Illinois 60504-1675
Ph: 630.862.2100 Fax: 630.862.2199

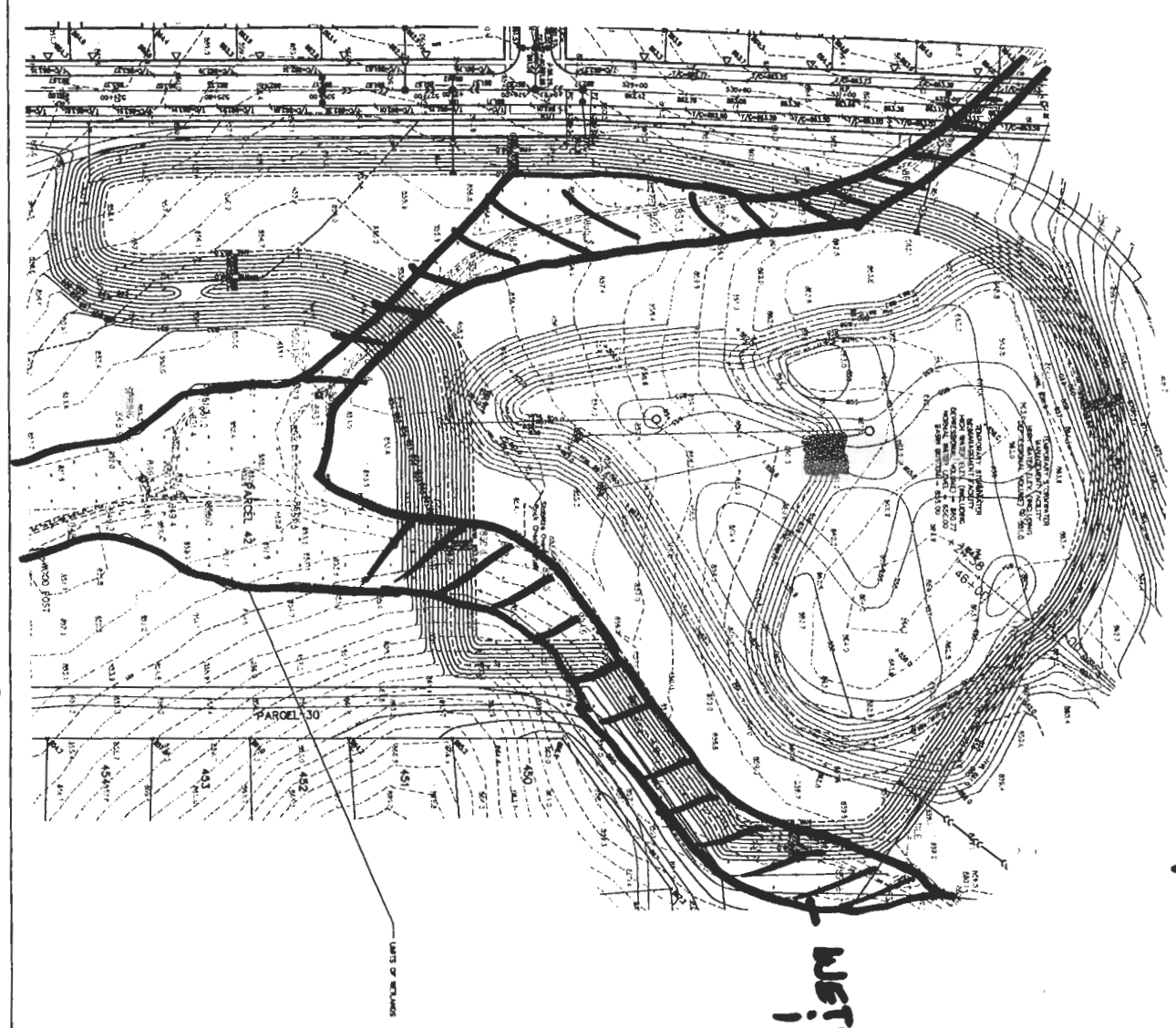
DRAINAGE AND GRADING PLAN
PROVIDENCE SUBDIVISION - UNIT

JOB NO.: 613,010	DATE: 11-26-03	SHEET NO. 19 of 60
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FILE NAME: U2 CHN GRADE	P.L.D. BY/TO: 11/26/03	

PATCH LINE A

WETLAND 1
IMPACT

PATCH LINE B



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LEGEND

1. EXISTING ROADWAY (DASHED LINE)

2. PROPOSED ROADWAY (SOLID LINE)

3. EXISTING DRAINAGE (DASHED LINE)

4. PROPOSED DRAINAGE (SOLID LINE)

5. EXISTING UTILITY (DASHED LINE)

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16. PROPOSED DRAINAGE (SOLID LINE)

17. EXISTING UTILITY (DASHED LINE)

18. PROPOSED UTILITY (SOLID LINE)

19. EXISTING ELEVATION (NUMBER)

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26. PROPOSED GRADE (PERCENT)

CEMCON, Ltd.

2200 W. 10th Ave., Suite 100
Anchorage, Alaska 99503
Tel: 907.562.2100 Fax: 907.562.2199
E-Mail: info@cemcon.com Website: www.cemcon.com

TOWN & COUNTRY HOMES

1806 SOUTH HIGHLAND AVENUE
LOMBARD, ILLINOIS 60148
(630) 953-2222

PROVIDENCE SUBDIVISION - UNIT 2

DATE: 11-28-03
DRAWN BY: JAM
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16 OF 60

EXHIBIT 5

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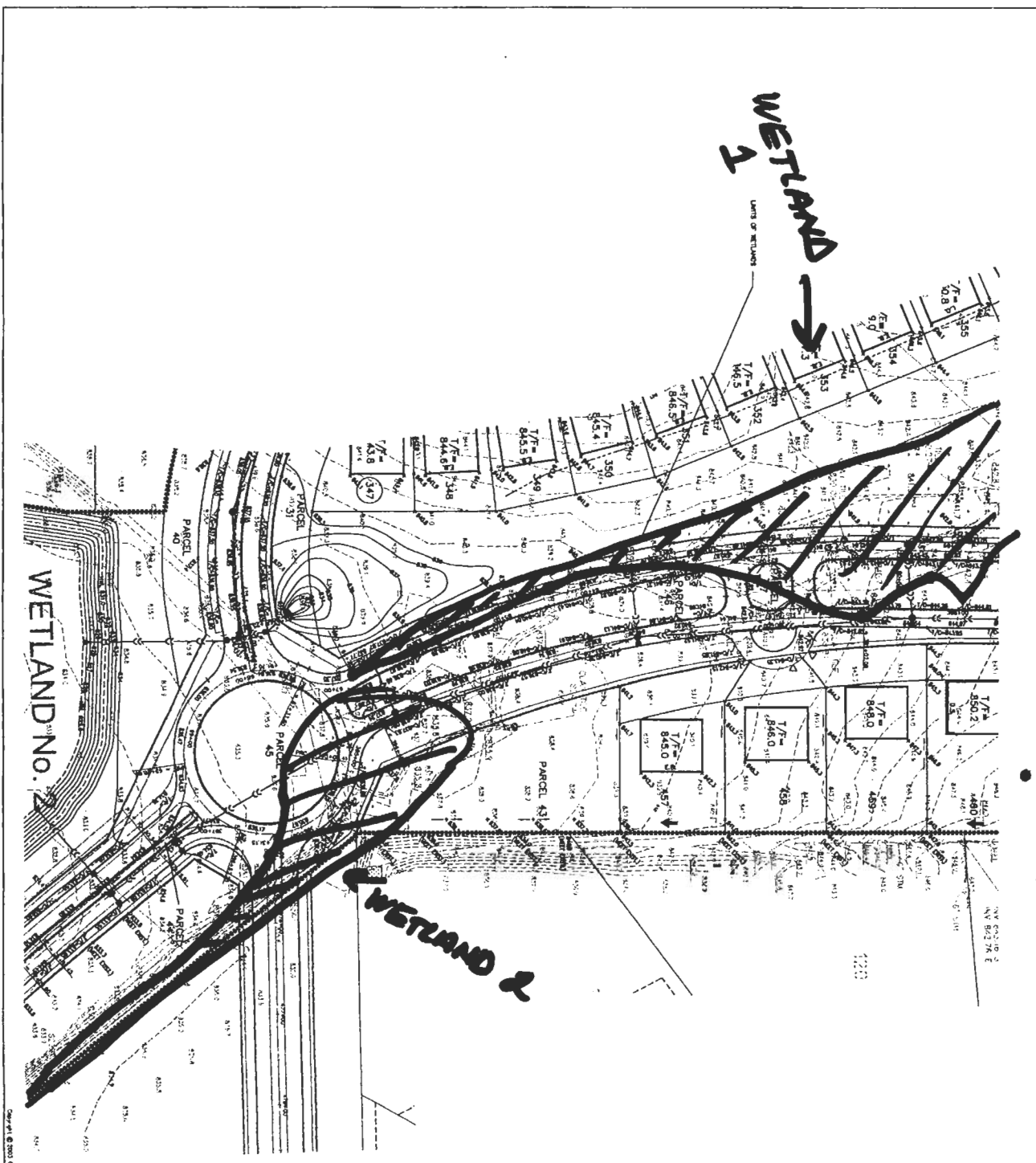
MATCH LINE C

WETLAND 1

WETLAND 2

WETLAND NO. 2

MATCH LINE A



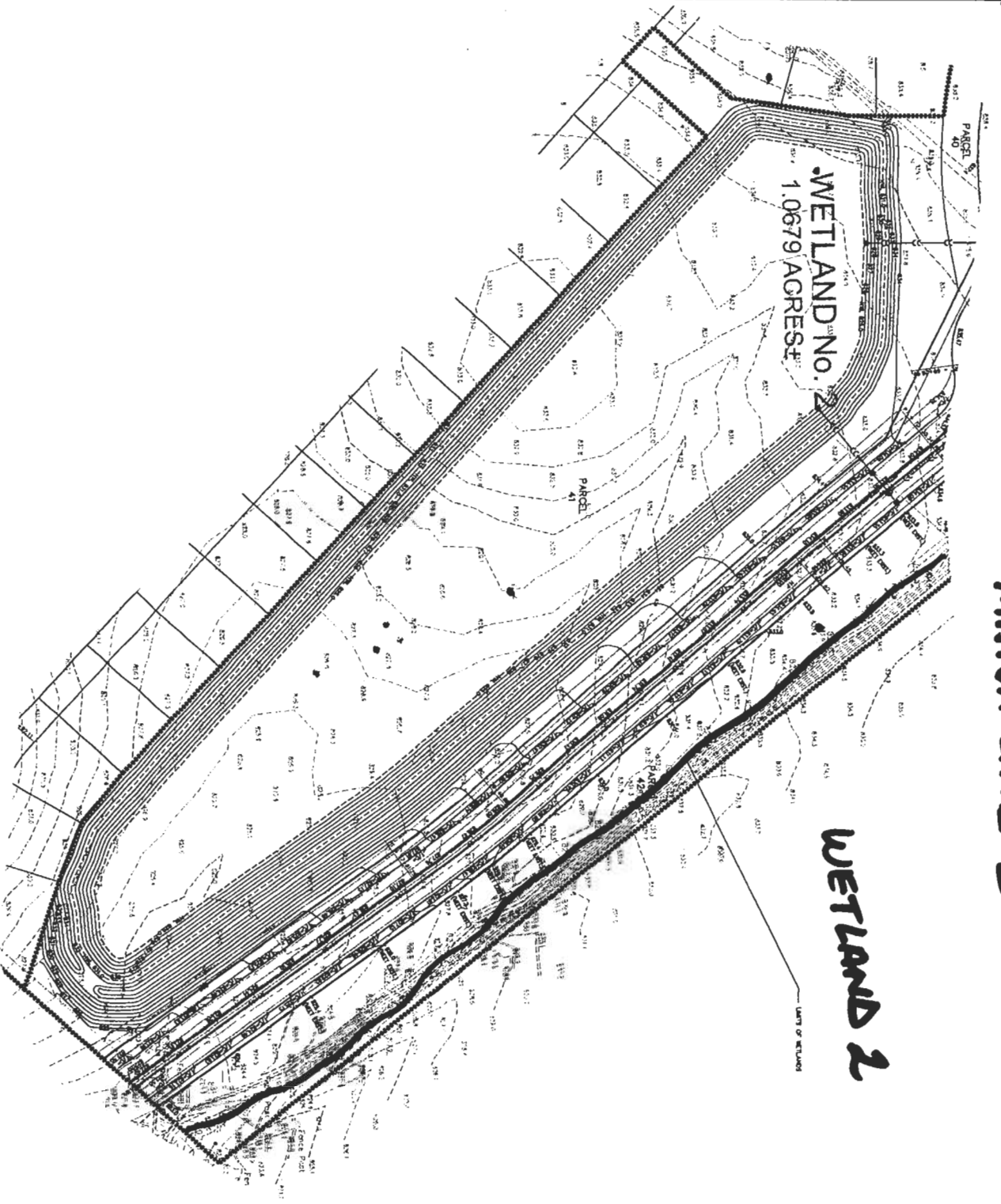
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CEMCON, Ltd. 2200 W. 11th St., Suite 100 Chicago, IL 60640 Tel: 312.662.2100 Fax: 312.662.2199 E-Mail: cemcon@cemcon.com Web: www.cemcon.com	
DRAINAGE AND GRADING PLAN	
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EXHIBIT 7

WETLAND 2

WETLAND NO. 2
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EXHIBIT 8

<p>CEMCON, Ltd. TOWN & COUNTRY HOMES 1806 SOUTH HIGHLAND AVENUE LOMBARD, ILLINOIS 60148 (630) 953-2222</p>	
<p>PROVIDENCE SUBDIVISION - UNIT 2</p>	
<p>DATE: 11-26-03 DRAWN BY: JMM CHECKED BY: JMM SCALE: 1" = 50'</p>	<p>SHEET NO. 22 of 60</p>